

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

GLORIA VILLASANA,

Plaintiff,

v.

JM BOZEMAN ENTERPRISES, INC.
and RICHARD WAYNE MCQUEEN,

Defendants.

§
§
§
§
§
§
§
§
§

SA-17-CA-436-HJB

ORDER

Before the Court is the status of the above case. This Court exercises jurisdiction in this case pursuant to the parties' consent. *See* 28 U.S.C. § 636(c).

On October 4, 2017, Plaintiff filed a motion to compel discovery responses in this case. (Docket Entry 14.) Defendant did not respond within the required time period under Local Rule CV-7(e). Accordingly, the Court granted the motion as unopposed and required Defendant to show cause why reasonable expenses, including attorney's fees, should not be awarded Plaintiff for having to bring her motion, pursuant to Federal Rules of Civil Procedure 37(a)(5)(A) and 37(b)(2)(C). (Docket Entry 17.)

Defendants have now responded to the Court's Order, presenting evidence to show that they were attempting to produce the required discovery at the time the motion to compel was filed. (*See* Docket Entry 18.) Plaintiff has not replied to Defendant's response.

In light of Defendants' response, the Court finds that any award of expenses at this time is not in the interests of justice. *See* FED. R. CIV. P. 37(a)(5)(A)(iii). Defense counsel is reminded that, if a motion is opposed, counsel must file a response. And both parties are cautioned that, in the

future, they should make every attempt to resolve discovery disputes by agreement before presenting them to the Court.

SIGNED on November 17, 2017.



Henry J. Bemporad
United States Magistrate Judge